

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JODY A. FURNARE,)	3:18-cv-00014-RCJ-WGC
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
JAMES DZURENDA, <i>et al.</i> ,)	
)	
Defendants.)	
<hr/>		

I. DISCUSSION

On November 13, 2018, Plaintiff filed what the Court construed as a motion for reconsideration of the Court’s screening order dated November 7, 2018. (ECF No. 5). On January 14, 2019, the Court granted Plaintiff’s motion to reconsider; **dismissing** the portion of Count II alleging a civil rights conspiracy under 42 U.S.C. § 1985, with leave to amend within 28 days. (ECF No. 8 at 2). The Court specifically stated that “[i]f Plaintiff does not timely amend the claim; the Court may dismiss it with prejudice without further notice.” (*Id.*) Plaintiff has not filed an amended Count II for conspiracy under 42 U.S.C. § 1985. Therefore, pursuant to the screening order (ECF No. 3 at 11–12), this case proceeds on the following claims:

- The Count I deliberate indifference to serious medical needs claim against Defendants Dr. Aranas, Dr. Noughten, Dr. Johns, Dr. Long, and Jane Does 1–2 (when Plaintiff learns their identity);
- The Count I retaliation claim against Defendants Dr. Long, Dr. Johns, Dr. Noughten, and Jane Does 1–2 (when Plaintiff learns their identity);
- The Count II retaliation claim against Defendants Dzurenda, Foster, Baca, Moil, Robostante, Zoofield, Bloomfield, and John/Jane Does 3–5 (when Plaintiff learns their identity);

///

- The Count II Free Exercise Clause and RLUIPA¹ claim against Defendants Baca, Moil, Tristan, Dzurenda, Foster, and John Doe 6 (when Plaintiff learns his identity); and
- The Count II equal protection claim against Defendants Baca, Moil, and John/Jane Does 3–5 (when Plaintiff learns their identity).

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that, pursuant to the Court’s screening order (ECF No. 3 at 11–12), this case proceeds on the following claims against: (1) Defendants Dr. Aranas, Dr. Noughten, Dr. Johns, Dr. Long, and Jane Does 1–2 (when Plaintiff learns their identity) for deliberate indifference to serious medical needs in Count I; (2) Defendants Dr. Long, Dr. Johns, Dr. Noughten, and Jane Does 1–2 (when Plaintiff learns their identity) for retaliation in Count I; (3) Defendants Dzurenda, Foster, Baca, Moil, Robostante, Zoofield, Bloomfield, and John/Jane Does 3–5 (when Plaintiff learns their identity) for retaliation in Count II; (4) Defendants Baca, Moil, Tristan, Dzurenda, Foster, and John Doe 6 (when Plaintiff learns his identity) for both the Free Exercise Clause and RLUIPA in Count II; and (5) Defendants Baca, Moil, and John/Jane Does 3–5 (when Plaintiff learns their identity) for equal protection in Count II.

IT IS FURTHER ORDERED that the stay remains in effect pursuant to the screening order (ECF No. 3).

IT IS FURTHER ORDERED that the stay is extended until Friday, April 5, 2019. The Office of the Attorney General shall file its status report on or before that day.

DATED: February 15, 2019.



WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE

¹ Religious Land Use and Institutionalized Persons Act of 2000.